



W.P.(MD)No.16542 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.P(MD)No.16542 of 2023
and
W.M.P(MD)No.13829 of 2023

S.Margarate

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.Revenue Development Officer,
Dindigul District,
Dindigul.

3.The Thasildar,
Dindigul West Taluk,
Dindigul.

4.The Panchayat President,
Alagupatti Panchayat,
Dindigul West Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to
issue a Writ of Certiorarified Mandamus calling for the records of the



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impugned order of the fourth respondent with NIL Dated and Number and the order referred as ஸ்டாட்சியர் மேற்கு ந.க.எண் 910/21 அ.ந.நாள் 26.04.2022, quash the same and consequently, direct the third respondent to issue patta in favour of the petitioner.

For Petitioner :Mr.S.Alagarsamy
For Respondents :Mr.T.Villavan Kothai,
Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Heard Mr.S.Alagarsamy, learned counsel for the petitioner and Mr.T.Villavan Kothai, learned Additional Government Pleader for the respondents.

2. The petitioner has come forward with this writ petition challenging the order passed by the fourth respondent initiating proceedings to evict the encroachment made by the petitioner.

3. The case of the petitioner is that a vacant site measuring an extent of 0.02.5 hectares in Alagupatti Village, Dindigul West Taluk,



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Dindigul District, was originally owned by one Sadaiyan, S/o.Karuppan of Alagupatty Village. It is the further case of the petitioner that the property was purchased by the said Sadaiyan through a registered sale deed dated 27.09.1948 and that, the said Sadaiyan was none else than her husband's grandfather. Stating that the local body has earlier passed a resolution to the effect that they have no objection for grant of patta in favour of the petitioner, the petitioner has filed this writ petition challenging the order passed by the fourth respondent whereby the fourth respondent has initiated proceedings for eviction of encroachment made by the petitioner. In the same order, the fourth respondent has also requested the revenue officials to assist for conduct of survey for identifying the encroachment made by the petitioner.

4. The learned counsel appearing for the petitioner though relied upon few documents, namely, a sale deed and a resolution of the local body, this Court is unable to find any consistency in the case of the petitioner. While the petitioner claims title on the basis of a sale deed executed in the year 1948, this Court finds that the sale deed does not refer to the survey number and there is no particulars to corralate the



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property which was conveyed through the said document with the property which is the subject matter of this lis.

5. The petitioner herein sent a representation on 20.07.2022 claiming title over the property on the basis of another sale deed indicating that the father of the petitioner's husband purchased the same in the year 1901. It is seen that the A-Register that was prepared immediately after the settlement does not indicate the extent of survey field in Survey No.172/9 of Alagupatti Village. Further, correlation register is not produced to prove that the petitioner has actual title in respect of the subject property, based on documents.

6. Therefore, this Court is not inclined to entertain this writ petition. However, it is open to the petitioner to file a civil suit to establish her title to the property measuring an extent of 0.02.5 hectares in Survey No.172/9. Since we have directed the petitioner to approach the civil Court for appropriate relief, any coercive action that is proposed by the fourth respondent shall await for a period of three weeks from the date of receipt of a copy of this order.



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The writ petition is dismissed. No Costs. Consequently,
connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
10.07.2023

Index : Yes / No
NCC : Yes/No

pm

To:

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Dindigul.
- 2.Revenue Development Officer,
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Dindigul.
- 3.The Thasildar,
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- 4.The Panchayat President,
Alagupatti Panchayat,
Dindigul West Taluk,
Dindigul District.



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S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

pm

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